

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

BRUCE PAGE

PLAINTIFF

v.

Case No. 3:13-cv-00077-KGB

**ARKANSAS STATE UNIVERSITY;
RANDY MARTIN, individually and
in his official capacity, and LORI WINN,
individually and in her official capacity**

DEFENDANTS

ORDER

Before the Court are defendants' motion to compel (Dkt. No. 29) and plaintiff Bruce Page's motion to quash (Dkt. No. 31). Because the parties agree that Mr. Page has now provided responses to defendants' first set of interrogatories and request for production of documents, the Court denies as moot defendants' motion to compel (Dkt. No. 29).

As for Mr. Page's motion to quash, Mr. Page states that he "was in the hospital, and his health is poor" and that his "endurance and thinking ability are impaired such that he does not feel he can give credible testimony due to possibilities he will misunderstand questions, misspeak, be unable to remember, or remember incorrectly" (Dkt. No. 31). Based on his representations, Mr. Page requests that the Court quash defendants' notice of his deposition, which is currently scheduled for Thursday, October 30, 2014; extend the discovery deadline; set a new trial date; and issue a new scheduling order. Defendants oppose his request.

Under Federal Rule of Civil Procedure 26(c), a movant for a protective order must show "good cause" for it to be issued, which contemplates "a particular and specific demonstrating of fact, as distinguished from stereotyped and conclusory statements." *Gen. Dynamics Corp. v. Selb Mfg. Co.*, 481 F.3d 1204, 1212 (8th Cir. 1973) (citation omitted). Because Mr. Page provides no medical evidence showing that he is unable to understand, remember, or think

clearly enough to participate in the deposition, and because defendants oppose Mr. Page's request and have submitted under seal evidence supporting their position, the Court denies without prejudice Mr. Page's motion to quash and his requests to extend the discovery deadline, set a new trial date, and issue a new scheduling order. Mr. Page may file a motion to reconsider this Court's ruling, supporting his claims with medical evidence, before the deposition date. Otherwise, the Court orders Mr. Page to appear at the deposition scheduled for Thursday, October 30, 2014.

SO ORDERED this 28th day of October, 2014.


KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE